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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,471	03/01/2004	Ulrich Sinn	Q79183	7558

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EXAMINER

HUANG, WEN WU

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/788,471

Applicant(s)

SINN, ULRICH

Examiner

Wen W. Huang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-15 are pending.

Claim Objections

Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 12 is identical to claim 11.

Claims 10 and 11 are objected to because of the following informalities:

Claims 10 and 11 recite limitations "the SCO", "the ACL" and "the Bluetooth".

However, those limitations lack antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4 and 9-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Menard (US. 7,103,344 B2).

Regarding **claim 1**, Menard teaches a method for transmitting data between a mobile radio transmitter (Menard, fig. 2, component 200) and a radio receiver of a machine or plant (see Menard, fig. 2, component 300), comprising:

providing a first radio link between the radio transmitter and the radio receiver for transmitting safety related information (see Menard, fig. 2, component 120; col. 3, lines 52-59 and col. 1, lines 16-25; col. 13, lines 3-18); and

providing a second radio link between the radio transmitter and the radio receiver for transmitting non-safety related information (see Menard, fig. 2, component 180; col. 4, lines 8-11).

Regarding **claim 2**, Menard also teaches the method as claimed in claim 1, wherein the first and the second radio link are set up and operated concurrently (see Menard, col. 5, lines 26-30).

Regarding **claim 3**, Menard also teaches the method as claimed in claim 1, wherein the first radio link is operated with a maximum packet life (see Menard, col. 6, lines 20-22).

Regarding **claim 4**, Menard also teaches the method as claimed in claim 3, wherein the first radio link is operated synchronously with a maximum packet life (see Menard, col. 6, lines 20-22).

Regarding **claim 9**, Menard also teaches the method as claimed in claim 1, wherein the first and the second radio links are set up via a single radio system (see Menard, col. 4, lines 12-16).

Regarding **claim 10**, Menard also teaches the method as claimed in claim 1, wherein safety related information is transmitted via a SCO link of a radio system using a Bluetooth standard (see Menard, col. 6, lines 14-29).

Regarding **claim 11**, Menard also teaches the method as claimed in claim 1, wherein non-safety related information is transmitted via an ACL link of a radio system using a Bluetooth standard (see Menard, col. 6, lines 14-29).

Regarding **claim 12**, Menard also teaches the method as claimed in claim 11, wherein non-safety related information is transmitted via the ACL link of a radio system using the Bluetooth standard (see Menard, col. 6, lines 14-29).

Regarding **claim 13**, Menard also teaches the method as claimed in claim 12, wherein information is transmitted via a single radio system using the Bluetooth standard (see Menard, col. 6, lines 14-29).

Regarding **claim 14**, Menard teaches a radio transmitter (see Menard, fig. 2, component 200) configured to transmit data to a radio receiver (see Menard, fig. 2, component 300) of a machine or plant, comprising:

a first radio link for transmitting safety related information (see Menard, fig. 2, component 120; col. 3, lines 52-59 and col. 1, lines 16-25); and

a second radio link for transmitting non-safety related information (see Menard, fig. 2, component 180; col. 4, lines 8-11).

Regarding **claim 15**, Menard teaches a radio receiver (see Menard, fig. 2, component 300) of a machine or plant, configured to receive data from a radio transmitter (see Menard, fig. 2, component 200), comprising:

a first radio link for receiving safety related information (see Menard, fig. 2, component 120; col. 3, lines 52-59 and col. 1, lines 16-25); and

a second radio link for receiving non-safety related information (see Menard, fig. 2, component 180; col. 4, lines 8-11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menard as applied to claim 1 above, and further in view of Garani et al. (US 6,983,162 B2; hereinafter "Garani")

Regarding **claim 5**, Menard teaches the method as claimed in claim 1.

Menard is silent to teaching that further comprising using the first radio link to transmit duplicates of the safety related information. However, the claimed limitation is well known in the art as evidenced by Garani.

In the same field of endeavor, Garani teaches a method comprising using the first radio link to transmit duplicates of the safety related information (see Garani, col. 2, lines 52-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Menard with the teaching of Garani in order to increase the reliability of the transmission of the emergency/safety related information.

Regarding **claim 6**, the combination of Menard and Garani also teaches the method as claimed in claim 5, wherein a predefined number of the duplicates is transmitted (see Garani, col. 2, lines 52-56).

Regarding **claim 7**, the combination of Menard and Garani also teaches the method as claimed in claim 5, wherein the duplicates of the safety related information

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are transmitted until new safety related information is available (see Garani, col. 2, lines 52-56).

Regarding **claim 8**, the combination of Menard and Garani also teaches the method as claimed in claim 5, wherein the duplicates of the safety related information are transmitted until the transmitted information has been correctly received (see Garani, col. 2, lines 52-56).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen W. Huang whose telephone number is (571) 272-7852. The examiner can normally be reached on 10am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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